

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAHAR ODISHO as the Personal  
Representative of the Estate of  
Anthony Wardia,

Plaintiff,

v.

Civil Case No. 21-11021  
Honorable Linda V. Parker

YAHAYA YACOUBA,  
BEST CARRIER, INC., and  
TURBO TRUCK & AUTO SALES, INC.,

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR  
ORDER TO ALLOW PLAINTIFF'S RESPONSE TO DEFENDANT TURBO  
TRUCK & AUTO SALES, INC.'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, through counsel, filed this lawsuit on May 5, 2021. The lawsuit arises from a June 2, 2020 accident in which Plaintiff's decedent was struck by a tractor-trailer operated by Defendant Yahaya Yacouba. Plaintiff alleges that Defendant Best Carrier, Inc. owned the tractor and employed Yacouba. Plaintiff further alleges that Turbo Truck & Auto Sales, Inc. ("Turbo") owned the tractor.

Turbo filed a motion for summary judgment on September 13, 2021, arguing that the undisputed evidence reflects that it did not employ Yacouba, owned the trailer, not the tractor, and that the accident and the decedent's injuries were not caused by the trailer. (ECF No. 16.) Plaintiff failed to timely respond to the

motion (i.e., by October 4). *See* E.D. Mich. LR 7.1(e)(2). Therefore, on January 27, 2022, the Court issued an order requiring Plaintiff to show cause in writing by February 3 as to why Turbo's motion should not be granted. (ECF No. 22.) Plaintiff failed to respond by the deadline. However, on February 15, Plaintiff filed a motion seeking to file a response raising several assertions that Plaintiff asserts warrant a denial of Turbo's motion. (ECF No. 23.)

Plaintiff's brief does not set forth excusable neglect for the failure to timely respond to the summary judgment motion, *see* Fed. R. Civ. P. 6(b)(1)(B), nor does it appear to raise viable arguments in response to Turbo's motion. The Court also notes that it does not comply with the District's required type size. *See* E.D. Mich. LR 5.1(a)(3). Nevertheless, the Court will allow Plaintiff to file her response no later than **February 23, 2022**, as it does not wish to penalize Plaintiff for her attorney's mistake or neglect. Any response filed after that deadline or that fails to comply with the local rules will be stricken.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 16, 2022